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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and Bernard L.
Madoff,

Plaintiff,

v.

HAROLD J. HEIN,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04861 (SMB)

STIPULATION AND ORDER FOR SUBSTITUTION OF DEFENDANT

WHEREAS, on December 2, 2010, Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et. seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, filed the above-captioned avoidance action against Defendant Harold J. Hein with respect to his Individual Retirement Account held by BLMIS; and

WHEREAS, Harold J. Hein died on February 20, 2016; and

WHEREAS, on Harold J. Hein’s death, his assets passed to the Harold J. Hein Revocable Trust; and

WHEREAS, in or about February 2016, Richard Hein and Robert Hein succeeded as trustees of the Harold J. Hein Revocable Trust.

IT IS THEREFORE MUTUALLY AGREED AND STIPULATED, by and between the Trustee and Richard Hein and Robert Hein, as follows:

1. Richard Hein and Robert Hein, solely in their capacities as successor trustees of the Harold J. Hein Revocable Trust, and not individually, (collectively, the “Defendants”), are hereby substituted into this action in place of Harold J. Hein, deceased, and the complaint shall be deemed so amended (the “Amended Complaint”).

2. The Clerk of the Court is hereby directed to amend the caption to remove Harold J. Hein and substitute the Harold J. Hein Revocable Trust, and Richard Hein and Robert Hein, in their capacities as successor trustees of the Harold J. Hein Revocable Trust, as reflected on Exhibit A to this Stipulation.

3. Undersigned counsel for the Harold J. Hein Revocable Trust, and Richard Hein and Robert Hein, in their capacities as successor trustees of the Harold J. Hein Revocable Trust

(i) expressly represents that she has the authority to accept service of the Amended Complaint on behalf of Defendants (ii) waives service of the summons and the Amended Complaint on behalf of Defendants, and (iii) hereby waives any defenses based on insufficiency of process or insufficiency of service of process of the summons and Amended Complaint on behalf of Defendants.

4. Except as expressly set forth herein, the parties to this Stipulation reserve all rights and defenses they may have.

5. This Stipulation may be signed by the parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

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Dated: November 8, 2016

Of Counsel:

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/s/ Carole Neville

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Attorney for Defendants

SO ORDERED

/s/ STUART M. BERNSTEIN

HON. STUART M. BERNSTEIN

UNITED STATES BANKRUPTCY JUDGE

Dated: November 9th, 2016

New York, New York

EXHIBIT “A”

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BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

HAROLD J. HEIN REVOCABLE TRUST;
RICHARD HEIN, in his capacity as successor

Adv. Pro. No. 10-04861 (SMB)

trustee of the Harold J. Hein Revocable Trust; and
ROBERT HEIN, in his capacity as successor
trustee of the Harold J. Hein Revocable Trust,

Defendants.